

MICHIGAN SUPREME COURT



Office of Public Information

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PUBLIC'S ACCESS TO COURTS AMONG TOPICS AT JANUARY 16 SUPREME COURT HEARING

LANSING, MI, January 7, 2003 – A proposed court rule that would govern public access to Michigan courts will get a public hearing before the Michigan Supreme Court next week, in its courtroom on the 6th floor of the Michigan Hall of Justice.

On January 16, starting at 1 p.m., the Court will conduct a public administrative hearing on a number of proposed court rules, including changes to Michigan Court Rule (MCR) 8.116 (**File no. 2001-38**). The proposed amendment, which is based on a recommendation from the Michigan Press Association, states that in general “a court may not limit access by the public to a court proceeding.” Before limiting public access, the court must find that “a specific interest to be protected” outweighs the right of public access. The court must also find that “there is no less restrictive means to adequately and effectively protect the interest.” The court must also state “on the record the specific reasons for the decision to limit access to the proceeding.” The proposed rule would allow “any person” to challenge the court’s decision to limit public access.

The Court will also consider whether proposed national standards for electronic filing in state courts are suitable for Michigan (**File no. 2002-37**). The standards, which may be viewed at <http://www.ncsc.dni.us/NCSC/CTP/HTDocs/Standards.htm>, would govern access to electronic records and their use, encourage greater use of electronic records, and integrate electronic filing application into a national e-filing network.

The Court will also hear comments on proposed amendments aimed at making some court rules consistent with a group of domestic violence statutes, which took effect on April 1, 2002 (**File no. 2002-17**). The Court had already issued an order conforming the court rules to the legislation, but will now hear discussion on whether to retain that order. At issue are procedures for granting, denying, and enforcing personal protection orders.

The Court invites members of the public to appear and share their views on agenda items. Speakers will have three minutes each to present their views; Supreme Court Justices may ask questions of the speakers. Anyone wishing to speak at the hearing should contact the Clerk of the Court at P.O. Box 30052, Lansing, MI 48909 or at MSC_clerk@courts.mi.gov, no later than Tuesday, January 14. The full hearing agenda may be viewed at <http://courts.michigan.gov/supremecourt/Resources/Administrative/PublicHearings/011603-Lans>

[ing.pdf](#).

- Other proposed rules on the agenda are aimed at:
- Clarifying whether and when a party with complete settlement authority must attend a settlement conference set by the court. **(File no. 2001-33)**
 - Establishing that a plaintiff who fails to serve a summons within the initial 91-day period must show “due diligence” in attempting to serve the original summons before receiving a second summons period from the court. **(File no. 2001- 47)**
 - Amending rules affecting practice in the Court of Appeals, including renaming a “motion for rehearing” a “motion for reconsideration,” barring the clerk from accepting late motions for reconsideration, and reducing from 56 to 21 days the time to seek reinstatement of a voluntary dismissal. The proposed Court of Appeals rules also seek to address an ambiguity about when an answer to a motion is due if the motion is accompanied by a request for immediate consideration. **(File no. 2001-48)**
 - Expressly authorizing the filing of reply briefs in the Supreme Court. **(File no. 2001-58)**
 - Allowing attorneys fees as a sanction against litigants who refuse to comply with court orders, despite being able to do so. **(File no. 2002-22)**
 - Permitting litigants to seek “no progress” dismissals. **(File no. 2002-32)**
 - Retaining a rule change that increased the size of the State Bar of Michigan Committee on Character and Fitness to 18 from 12 members. **(File no. 2002-35)**

For more information on proposed court rules, please visit the “One Court of Justice” web site. Proposed court rules may be viewed at <http://courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>.

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